

(PCT Article 36 and Rule 70)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2005/002083

Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p>
2.	<p>With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-38</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. _____ as originally filed/furnished</p> <p>nos.* <u>1-26</u> _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/31-31/31</u> _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input checked="" type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input checked="" type="checkbox"/> the claims, nos. <u>27-32</u> _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☒ not complied with for the following reasons:
1. This Authority has determined that the international application contains several inventions or groups of inventions that are not so linked as to form a single general inventive concept (PCT Rule 13.1), namely:
- 1.1 Claims 1 and 4, 8-12, 21-24 and 26 when dependent on claim 1
- A lock with retaining elements for mounting in openings in a thin wall, the retaining elements being levers mounted at a distance from the thin wall so as to be rotatable about an axis that is perpendicular to the plane of the thin wall.
- 1.2 Claims 2, 3 and 4, 8-12 and 26 when dependent on claim 2
- A lock with retaining elements for mounting
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
 - ☐ the parts relating to claims Nos. _____

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-14, 16-19, 21-24, 26 (when dependent on claims 1, 2, 5, 13, 16, 17, 18 and 19)	YES
	Claims	15, 20, 25, 26 (when dependent on claims 15, 20 and 25)	NO
Inventive step (IS)	Claims	1-14, 16-19, 21-24, 26 (when dependent on claims 1, 2, 5, 13, 16, 17, 18 and 19)	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. This report makes reference to the following documents:			
D1: US-A-5 251 467 (ANDERSON ET AL) 12 October 1993 (1993-10-12)			
D2: BE 883 121 A1 (LOWE ET FLETCHER BELGE S.A; EURO-LOCKS S.A) 6 November 1980 (1980-11-06)			
D3: DE 342 387 C (DAMM & LADWIG) 17 October 1921 (1921-10-17)			
2. D1 is regarded as the prior art closest to the subject matter of claims 1, 2, 5, 13, 16, 17, 18 and 19. It discloses (page 3, lines 5-40; page 4, lines 20-31; figures; the reference signs in parentheses refer to this document):			
a lock (9) for mounting in openings in a thin wall (5), comprising a head part (13) that is to be arranged on the one, exterior side of the thin wall and that covers the exterior edge of the opening, from which head part a body part (17) that protrudes through the			

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	<p>opening in the mounted position extends, from which retaining elements (21,25) that are resilient in the direction of the exterior surface of said body part protrude, each of the free ends of which elements has an angular surface (27) for play-free support of the body part (17) on the edge or corner of the opening of the other, interior side of the thin wall (5), the body part (17) and retaining element (21, 25) being two separate parts.</p> <p>2.1 The subject matter of claims 1, 2, 5, 13, 16, 17, 18 and 19 differ from the known lock by their characterizing features, in particular in that:</p> <p>2.1.1 the retaining elements are levers arranged at a distance to the thin wall so as to be rotatable about an axis perpendicular to the plane of the thin wall (claim 1);</p> <p>2.1.2 the retaining elements are slides displaceably arranged in a cylinder that is parallel to the plane of the thin wall and has a rectangular cross-section (claim 2);</p> <p>2.1.3 the retaining elements are slides made of a rigid material such as metal that are displaceably arranged in a cylinder which is parallel to the plane of the thin wall and has a rectangular cross-section, the slides being retained against compressive force by a</p>

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	<p>pinning device arranged therebetween (claim 5);</p> <p>2.1.4 the retaining elements are formed by a leaf spring, and that the leaf spring is retained on the body part by means of a projection and a recess (claim 13);</p> <p>2.1.5 the retaining element is formed by a round bolt (claim 16);</p> <p>2.1.6 the head part has a recess in the region of the retaining element for accommodating edge bulges (claim 17);</p> <p>2.1.7 the body part of the lock has a hinged lever arranged so as to be pivotable about an axis, and at least two retaining elements that extend in opposite directions are retained in a channel formed by the body part so as to be displaceable in a direction parallel to the axis (claim 18);</p> <p>2.1.8 the body part of the lock having a hinged lever arranged so as to be pivotable about an axis, and at least two pairs of retaining elements that extend in opposite directions being retained in channels formed by the body part so as to be displaceable in a direction perpendicular to the axis (claim 19).</p> <p>2.2 The problem to be solved by the present invention can be regarded as that of developing a lock according to an alternative</p>

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to the prior art.

2.3 The above-mentioned problem is solved by the characterizing features of claims 1, 2, 5, 13, 16, 17, 18 and 19. The solutions proposed in these claims are neither disclosed in nor rendered obvious by the prior art (see D1, figures 5 and 6, D2, figures 1 and 3, and D3, figures 3 and 4) and therefore involve an inventive step (PCT Article 33(3)).

3. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claims 15, 20 and 25 lacks novelty within the meaning of PCT Article 33(2).

3.1 D1 describes a lock according to the preamble of claim 15 (see point 2).

3.2 The retaining element (21, 25) in D1 is not distinguishable from a stamped part. Therefore, it is not possible to distinguish the subject matter of claim 15 from the lock in D1. Consequently, the subject matter of claim 15 lacks novelty.

3.3 D1 discloses (figures 2-5) that the lock has a drive that is positioned in the head part (13) and body part (17) and has a rough-reaming tongue (41). Therefore, the subject matter of claim 20 lacks novelty.

3.4 D2 is also prejudicial to the novelty of the

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

subject matter of claims 15 and 20.

3.5 D3 discloses (the reference signs in parentheses refer to this document):

a lock for mounting in openings in a thin wall (f), comprising a head part (a) that is to be arranged on the one, exterior edge of the thin wall (f) and covers the exterior edge of the opening, from which head part a body part (b) that protrudes through the opening in the mounted position extends, from which body part retaining elements (d) that are resilient in the direction of the exterior surface of the body part protrude, each of the free ends of which elements has an angular surface for play-free support of the body part on the edge of the opening of the other, interior side of the thin wall (f), the body part (b) and retaining element (d) being two separate parts, and the retaining elements (36) being levers (d) arranged at a distance (A) from the thin wall (f) so as to be rotatable about an axis parallel to the plane of the thin wall (f).

Therefore, the subject matter of claim 25 lacks novelty.

4. Dependent claims 3, 4, 6-12, 14, 21-24 and 26, when dependent on claims 1, 2, 5, 13, 16, 17, 18 and 19, meet the PCT requirements for

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	<p>novelty and inventive step.</p> <p>4.1 The subject matter of claim 26 when dependent on claims 15, 20 and 25 lacks novelty (see D1 and D3) .</p> <p>5. The inventions in claims 1-26 are industrially applicable (PCT Article 33(1) and (4)) .</p>

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: **BOX IV**

in openings in a thin wall, the retaining elements being slides displaceably arranged in a cylinder that is parallel to the plane of the thin wall and has a rectangular cross-section.

- 1.3 Claims 5-7 and 8-12 and 26 when dependent on claim 5

A lock with retaining elements for mounting in openings in a thin wall, the retaining elements being slides made of a rigid material such as metal that are displaceably arranged in a cylinder which is parallel to the plane of the thin wall and has a rectangular cross-section, the slides being retained against compressive force by a pinning device arranged therebetween.

- 1.4 Claims 13, 14 and 26 when dependent on claim 13

A lock with retaining elements for mounting in openings in a thin wall, the retaining elements being formed by a leaf spring, and the leaf spring being retained on the body part by means of a projection and a recess.

- 1.5 Claims 15 and 26 when dependent on claim 15

A lock with retaining elements for mounting in openings in a thin wall, the retaining element being formed by a stamped part.

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1.6 Claims 16 and 26 when dependent on claim 16

A lock with retaining elements for mounting in openings in a thin wall, the retaining element being formed by a round bolt.

1.7 Claims 17 and 26 when dependent on claim 17

A lock with retaining elements for mounting in openings in a thin wall, the head part having a recess in the region of the retaining element for accommodating edge bulges.

1.8 Claims 18 and 26 when dependent on claim 18

A lock with retaining elements for mounting in openings in a thin wall, the body part of the lock having a hinged lever arranged so as to be pivotable about an axis, and at least two retaining elements that extend in opposite directions being retained in a channel formed by the body part so as to be displaceable in a direction parallel to the axis.

1.9 Claims 19 and 26 when dependent on claim 19

A lock with retaining elements for mounting in openings in a thin wall, the body part of the lock having a hinged lever arranged so as to be pivotable about an axis, and at least two pairs of retaining elements that extend

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in opposite directions being retained in channels formed by the body part so as to be displaceable in a direction parallel to the axis.

1.10 Claims 20 and 26 when dependent on claim 20

A lock with retaining elements for mounting in openings in a thin wall, the lock having a drive that is arranged in a head part and body part and has a rough-reaming tongue.

1.11 Claims 25 and 26 when dependent on claim 25

A lock with retaining elements for mounting in openings in a thin wall, the retaining elements being levers mounted at a distance from the thin wall so as to be rotatable about an axis that is parallel to the plane of the thin wall.

2. The reasons therefor are the following.

2.1 The inventive concept of the first invention is that of developing a lock with retaining elements for mounting in openings in a thin wall according to an alternative to the prior art, the retaining elements being levers mounted at a distance from the thin wall so as to be rotatable about an axis that is perpendicular to the plane of the thin wall.

2.2 The inventive concept of the second invention is that of developing a lock with retaining elements for mounting in openings in a thin

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wall according to an alternative to the prior art, the retaining elements being slides displaceably arranged in a cylinder that is parallel to the plane of the thin wall and has a rectangular cross-section.

2.3 The inventive concept of the third invention is that of developing a lock with retaining elements for mounting in openings in a thin wall according to an alternative to the prior art, the retaining elements being slides made of a rigid material such as metal that are displaceably arranged in a cylinder which is parallel to the plane of the thin wall and has a rectangular cross-section, the slides being retained against compressive force by a pinning device arranged therebetween.

2.4 The inventive concept of the fourth invention is that of developing a lock with retaining elements for mounting in openings in a thin wall according to an alternative to the prior art, the retaining elements being formed by a leaf spring, and the leaf spring being retained on the body part by means of a projection and a recess.

2.5 The inventive concept of the fifth invention is that of developing a lock with retaining elements for mounting in openings in a thin wall according to an alternative to the prior art, the retaining element being formed by a stamped part.

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- 2.6 The inventive concept of the sixth invention is that of developing a lock with retaining elements for mounting in openings in a thin wall according to an alternative to the prior art, the retaining element being formed by a round bolt.
- 2.7 The inventive concept of the seventh invention is that of developing a lock with retaining elements for mounting in openings in a thin wall according to an alternative to the prior art, the head part having a recess in the region of the retaining element for accommodating edge bulges.
- 2.8 The inventive concept of the eighth invention is that of developing a lock with retaining elements for mounting in openings in a thin wall according to an alternative to the prior art, the body part of the lock having a hinged lever arranged so as to be pivotable about an axis, and at least two retaining elements that extend in opposite directions being retained in a channel formed by the body part so as to be displaceable in a direction perpendicular to the axis.
- 2.9 The inventive concept of the ninth invention is that of developing a lock with retaining elements for mounting in openings in a thin wall according to an alternative to the prior art, the body part of the lock having a

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hinged lever arranged so as to be pivotable about an axis, and at least two pairs of retaining elements that extend in opposite directions being retained in channels formed by the body part so as to be displaceable in a direction perpendicular to the axis.

2.10 The inventive concept of the tenth invention is that of developing a lock with retaining elements for mounting in openings in a thin wall according to an alternative to the prior art, the lock having a drive that is arranged in a head part and body part and has a rough-reaming tongue.

2.11 The inventive concept of the eleventh invention is that of developing a lock with retaining elements for mounting in openings in a thin wall according to an alternative to the prior art, the retaining elements being levers mounted at a distance from the thin wall so as to be rotatable about an axis that is parallel to the plane of the thin wall.

2.12 The inventive concepts in points 2.1-2.11 are not the same and therefore the inventions in points 1.1-1.11 are not so linked as to form a single general inventive concept. Consequently, the requirements of PCT Rule 13.1 have not been met.

2.13 It should be noted that the combination of features in the preambles of claims 1, 2, 5,

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12, 15-20 and 25 cannot be regarded as the single general inventive concept of the inventions in points 1.1-1.11, because this combination of features was already disclosed in US-A-5251467 (see Box V, point 2) and therefore the corresponding inventive concept is not novel.

Furthermore, the development of a handle according to an alternative to the prior art **per se** cannot be regarded as the single general inventive concept of the inventions in points 1.1-1.11, because a person skilled in the art is already familiar with such a concept.